

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SHMUEL LOWENBEIN

11 CV 1255 (JG)

Plaintiff,

-against-

**REQUEST TO ENTER
DEFAULT**

VALENTINE & KEBARTAS, INC.

Defendant.

TO: ROBERT C. HEINEMAN, CLERK
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Please enter the default of the defendant VALENTINE & KEBARTAS, INC.
pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or
otherwise defend the above-captioned action as fully appears from the court file herein
and from the attached affirmation of Adam J. Fishbein.

Dated: Cedarhurst, New York
October 4, 2011

/s/

Adam J. Fishbein, P.C. (AF-9508)
Attorney At Law
Attorney for the Plaintiff
483 Chestnut Street
Cedarhurst, New York 11516
Telephone (516) 791- 4400
Facsimile (516) 791- 4411

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SHUEL LOWENBEIN

11 CV 1255 (JG)

Plaintiff,

-against-

**AFFIDAVIT IN SUPPORT
OF DEFAULT
JUDGMENT**

VALENTINE & KEBARTAS, INC.

Defendant.

ADAM J. FISHBEIN hereby declares as follows:

1. That I am an attorney licensed to practice in the State of New York and before this Honorable Court.
2. This putative class action suit was commenced pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* for defendant's violations of same.
3. The time within which the defendant may answer or otherwise move with respect to the complaint herein has expired; said defendant has not answered or otherwise moved with respect to the complaint.
4. Said defendant is not an infant or incompetent. Said defendant is not presently in the military service of the United States.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Wherefore, plaintiff requests that the default of the defendant be noted but not enter judgment until the plaintiff has had an opportunity to conduct discovery via subpoena to determine numerosity and net worth.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Dated: Cedarhurst, New York
October 4, 2011

/s/

Adam J. Fishbein, P.C. (AF-9508)
Attorney At Law
Attorney for the Plaintiff
483 Chestnut Street
Cedarhurst, New York 11516
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SHMUEL LOWENBEIN

11 CV 1255 (JG)

Plaintiff,

-against-

VALENTINE & KEBARTAS, INC.

Defendant.

CERTIFICATE

I, Robert C. Heineman, Clerk of United States District Court for the Eastern District of New York, do hereby certify that the docket entries in the above entitled action indicate that the defendant VALENTINE & KEBARTAS, INC. was served with a copy of the summons and complaint by personal service upon Charline Cann, duly authorized to accept on July 12, 2011. I further certify that the docket entries indicate that defendant has not filed its answer or otherwise moved with respect to the complaint herein. The default of Valentine & Kebartas, Inc. is hereby noted.

Dated: Brooklyn, New York

_____, 2011

ROBERT C. HEINEMAN

Clerk of Court

By: _____

Deputy Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SHMUEL LOWENBEIN

11 CV 1255 (JG)

Plaintiff,

-against-

CERTIFICATE OF SERVICE

VALENTINE & KEBARTAS, INC.

Defendant.

I, Adam J. Fishbein, licensed to practice law in the State of New York and before this Court do hereby certify that on March 22, 2011 I served plaintiff's motion for default and exhibits in support thereof upon Valentine & Kebartas, Inc. 15 Union Street, Lawrence, MA 01840 via first class mail.

/s/

Adam J. Fishbein, P.C. (AF-9508)
Attorney At Law
Attorney for the Plaintiff
483 Chestnut Street
Cedarhurst, New York 11516
Telephone (516) 791- 4400
Facsimile (516) 791- 4411